

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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<b>In re</b>	:
	:
<b>CALPINE CORPORATION, et al.,</b>	:
	:
	:
	:
-----x	
<b>HSBC BANK USA, NATIONAL</b>	:
<b>ASSOCIATION, AS INDENTURE</b>	:
<b>TRUSTEE, THE BANK OF NEW YORK,</b>	:
<b>AS ADMINISTRATIVE AGENT,</b>	:
<b>WILMINGTON TRUST FSB, AS</b>	:
<b>INDENTURE TRUSTEE, WILMINGTON</b>	:
<b>TRUST COMPANY, AS ADMINISTRATIVE</b>	:
<b>AGENT, AND MANUFACTURERS</b>	:
<b>&amp; TRADERS TRUST COMPANY,</b>	:
<b>AS INDENTURE TRUSTEE,</b>	:
	:
<b>Appellants,</b>	:
	:
<b>- against -</b>	:
	:
<b>CALPINE CORPORATION, THE OFFICIAL</b>	:
<b>COMMITTEE OF UNSECURED</b>	:
<b>CREDITORS OF CALPINE CORPORATION,</b>	:
<b>AND THE OFFICIAL COMMITTEE OF</b>	:
<b>EQUITY SECURITY HOLDERS,</b>	:
	:
<b>Appellees.</b>	:
-----x	

*caption continued on next page*

**CALPINE CORPORATION, THE OFFICIAL  
COMMITTEE OF UNSECURED  
CREDITORS OF CALPINE CORPORATION,  
AND THE OFFICIAL COMMITTEE OF  
EQUITY SECURITY HOLDERS,**

**Appellants,**

– against –

**HSBC BANK USA, NATIONAL  
ASSOCIATION, AS INDENTURE  
TRUSTEE, THE BANK OF NEW YORK,  
AS ADMINISTRATIVE AGENT,  
WILMINGTON TRUST FSB, AS  
INDENTURE TRUSTEE, WILMINGTON  
TRUST COMPANY, AS ADMINISTRATIVE  
AGENT, AND MANUFACTURERS  
& TRADERS TRUST COMPANY,  
AS INDENTURE TRUSTEE,**

**Appellees.**

## **AFFIDAVIT OF SERVICE**

State of New York )  
                            )  
County of New York )

Donald Etienne, being duly sworn, hereby deposes and says:

1. I am over 18 years of age and am not a party to the above-captioned proceedings. I am employed by Weil, Gotshal & Manges LLP, having offices at 767 Fifth Avenue, New York, New York 10153.

2. On the 4th day of June 2007, I caused true and correct copies of the following documents to be served by Federal Express upon the parties listed on Exhibit A hereto:

✓ *Opening Brief of Appellant Manufacturers & traders Trust Company*

/s/ Donald Etienne

Donald Etienne

Sworn to before me this  
8th day of June, 2007

/s/ Heather L. Aaronson  
Notary Public, State of New York

No. 01AA6117801

Qualified in New York County  
Commission Expires November 1, 2008

SERVICE LIST

**Paul Kenan Schwartzberg**  
Office of the United States Trustee  
33 Whitehall Street  
21st Floor  
New York, NY 10004

**Jeffrey S. Powell**  
**Stephen E. Hessler**  
Kirkland & Ellis, L.L.P.  
655 Fifteenth Street, North West  
Washington, DC 20005

**Marc Kieselstein**  
Kirkland & Ellis LLP  
200 East Randolph Drive  
Chicago, IL 60601-6636

**David Elkind**  
*National Association, as Indenture  
Trustee under the Second Priority  
Indenture*  
Ropes & Gray LLP  
45 Rockefeller Plaza  
New York, NY 10111-0087

**Mark R. Somerstein**  
Ropes & Gray LLP  
1211 Avenue of the Americas  
New York, NY 10036-8704

**Gary L. Kaplan**  
**The Official Committee of Equity Security Holders**  
Fried, Frank, Harris, Shriver & Jacobson  
One New York Plaza  
New York, NY 10011

**Richard M. Cieri**  
Kirkland & Ellis, LLP  
153 East 53rd Street  
New York, NY 10022-4675

**Amanda Duncan Darwin**

**Dennis Murphy**  
**Richard C. Pedone**  
**Wilmington Trust Company**  
*as Administrative Agent*  
Nixon Peabody, L.L.P.  
100 Summer Street  
Boston, MA 02110

**Christopher Marshall Desiderio**  
Nixon Peabody LLP (NYC)  
437 Madison Avenue  
New York, NY 10022

**Richard G. Mason**  
Wachtell, Lipton, Rosen & Katz  
51 West 52nd Street  
New York, NY 10019

**Robert Alan Johnson**  
**The Official Committee of Unsecured**  
**Creditors of Calpine Corporation**  
Akin Gump Strauss Hauer & Feld LLP(NYC)  
590 Madison Avenue  
New York, NY 10022